

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

CLAWSON CUSTOM CUES, INC.,

Plaintiff,

Case No. 06-C-1326

-vs-

McDERMOTT CUE MANUFACTURING, INC.,

Defendant.

ORDER AND JUDGMENT ON CONSENT

The plaintiff Clawson Custom Cues, Inc. (“Predator”) and the defendant McDermott Cue Manufacturing, Inc. (“McDermott”) have agreed to the entry of this Order and Judgment on Consent.

WHEREFORE, with the consent of Predator and McDermott, through their respective counsel, IT IS HEREBY FINALLY ORDERED, ADJUDGED AND DECREED as follows:

1. The Court has jurisdiction over the parties and the subject matter of this action;
2. Predator owns the entire right, title, and interest in United States Patent No. 6,162,128 (the “‘128 patent”).
3. McDermott has admitted that the ‘128 patent is valid and enforceable.
4. McDermott has admitted that McDermott manufactured, used, offered for sale, sold, or imported billiard cues that infringed the ‘128 patent. Specifically,

McDermott has admitted that it manufactured, used, offered for sale, sold, or imported the “I-Shaft” billiard cue and has thereby infringed the ‘128 patent.

5. McDermott and its officers, directors, agents, servants, employees, attorneys, and owners, including, and all those in active concert or participation with any of them who receive actual notice of this Order by personal service or otherwise, are hereby enjoined from manufacturing, using, offering for sale, selling, or importing products that infringe the ‘128 patent, including, but not limited to the “I-Shaft” billiard cues, for so long as the ‘128 patent is valid and enforceable.

6. Judgment is entered in favor of Predator and against McDermott.

7. Predator and McDermott have waived all rights of appeal.

8. This Court retains jurisdiction over the parties for the purpose of enforcing this Order and Judgment on Consent.

9. The parties have privately agreed to apportion their costs and attorneys’ fees.

10. It is hereby further ordered that, except as judgment is hereby entered, the action is dismissed without prejudice.

Dated at Milwaukee, Wisconsin, this 6th day of November, 2007.

SO ORDERED,

s/ Rudolph T. Randa
HON. RUDOLPH T. RANDA
Chief Judge